

SENATE BILL 3388

By Tate

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 15, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following new section:

§ 39-15-414.

(a) As used in the section, “dwelling” means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, that has a roof over it, including a tent, and is designed for or capable of use by people.

(b) It is an offense for a person responsible for a child younger than seven (7) years of age to knowingly leave that child in a dwelling without being supervised by a person who is at least thirteen (13) years of age unless the dwelling is immediately accessible to the person.

(c) A violation of this section is a Class B misdemeanor punishable only by a fine of two hundred dollars (\$200) for the first offense. A second or subsequent violation of this section is a Class B misdemeanor punishable only by a fine of five hundred dollars (\$500).

(d)

(1) Any person violating this section may be required, at the discretion of the court, to attend a community education course approved by the department of children’s services that includes education on the dangers of leaving young children unattended in dwellings in addition to or in lieu of any portion of any

other penalty imposed by this section. If the course is approved by the department, it may be operated and conducted by a:

(A) County, municipality or other entity of local government;

(B) Nonprofit organization as defined by the Internal Revenue Code, 26 U.S.C. § 501(c)(3); or

(C) Private entity; provided, that the entity meets all of the requirements of § 40-35-302(g) for private entities providing misdemeanor probation supervision services.

(2) A reasonable fee between fifty dollars (\$50.00) and one hundred seventy-five dollars (\$175) may be assessed for the community education course. No fee shall be assessed upon proof of a person's inability to pay. The fee shall apply only to community education courses that may be required pursuant to this section.

(3) Each court clerk shall provide a list of approved entities in the county to any person ordered to attend a community education course.

(e) Nothing in this section shall be construed to prohibit prosecution under any other provision of law.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.